

Application for Determination

Parish	Cantley	
Reference:	BA/2013/0072/FUL	Target Date: 09/05/2013
Location:	Cantley Sugar Factory, Station Road, Cantley	
Proposal:	Proposed extension in height of two existing sugar syrup storage tanks along with an additional storage tank and associated landscaping	
Applicant:	Mr Mark Tolley	
Reason for referral:	Objection from Parish Council and neighbours	
Recommendation:	Approve with conditions	

1 Background

- 1.1 In February 2013 British Sugar submitted a planning application which seeks consent for increasing the height of two existing silos and the construction of an additional, new silo. A report was presented to the Planning Committee meeting of 26 April 2013 and, following representations from the District Councillor and Parish Council which raised concerns regarding the efficacy of the consultation process, determination of the application was deferred pending a re-consultation process.
- 1.2 A re-consultation exercise was duly carried out (details of which can be found in the update report attached as Appendix 1) and the application was brought before Planning Committee on 24 May for consideration. Following the officer presentation and on hearing representations from the Parish Council and District Councillor, Members resolved to undertake a site visit prior to determination of the application.
- 1.3 Members undertook a site visit on 7 June 2013, a note of which is attached at Appendix 2.
- 1.4 No further representations have been received since Planning Committee on 24 May and the writing of this update report.

2 Assessment

- 2.1 A full assessment can be found in the report prepared for the 26 April meeting; a copy of this report is attached as Appendix A. This report includes a description of the proposed development and an assessment of the proposal against relevant planning policies and material considerations.

Background papers: Application File BA/2013/0072/FUL

Author: Fergus Bootman
Date of report: 7 June 2013

Appendices: APPENDIX 1 – Update Planning Committee Report dated 8 May 2013
APPENDIX A – Planning Committee Report dated 10 April 2013
APPENDIX 2 – Planning Committee Site Visit Note dated 7 June 2013

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Applicant: Mr Mark Tolley

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Recommendation: Approve with conditions.

1 Background

- 1.1 At the 26 April meeting of the Planning Committee members resolved to defer the consideration of an application by British Sugar which sought consent for increasing the height of two existing silos and the construction of an additional, new silo at their factory at Cantley. This was in response to concerns expressed by the local District Councillor regarding the efficacy of the Broads Authority's consultation process; this representation reflected concerns previously expressed by Cantley Parish Council. It was resolved that re-consultation would be carried out.
- 1.2 Subsequent to the committee meeting the following re-consultation actions have been carried out:
- Letters hand delivered to 41 neighbouring properties advising of receipt of the application and asking for comments within 14 days of delivery of the letter.
 - Posting of 2 new site notices asking for comments within 14 days of posting.
 - Sent a copy of the revised site notice to Cantley Parish Council and requested that the notice be displayed on the Parish notice board.
 - Amended the Public Access web pages to accept additional comments during a 14 day period to coincide with the delivery of the neighbour letters

- and site notices.
 - Confirmed attendance at the next meeting of Cantley Parish Council (to be held 16/05/2013) which will incorporate a Public Meeting on the planning application in order to answer any specific questions regarding the planning process.
- 1.3 Further to this extra consultation process the Authority has received to date one additional representation, this being from a resident of the village confirming that their objections as outlined in a previously-submitted letter of objection remain.
- 1.4 It should be noted that the initial consultation, carried out in March, was in accordance with the [Broads Authority's Code of Practice for Consultation on Planning Applications](#), a process which included the erection of a site notice, sending of letters to neighbouring properties, sending a copy of the site notice to the Parish Council for display and advertising the application in the Eastern Daily Press. Further to this process a number of representations both in support of and opposing the application were received by the Authority and these were set out in the report prepared for the Planning Committee on 26 April.
- 1.5 A copy of the report taken to Planning Committee in April is attached at Appendix A; this report includes a description of the proposed development and an assessment of the proposal against relevant planning policies and material considerations.

Background Papers: Application File BA/2013/0072/FUL

Author: Fergus Bootman
Date of report: 8 May 2013

Appendices APPENDIX A – Report to Planning Committee 26 April 2012

APPENDIX A

**Broads Authority
Planning Committee**
26 April 2013

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1 Description of Site and Proposals

- 1.1 Cantley Sugar Factory is located at the eastern end of Cantley village and comprises an area of approximately 60ha, extending in an east/north-east direction from the village. The factory site is bounded to the south by the River Yare and is bisected east-west by the Norwich to Yarmouth railway line and north south by a substantial drainage ditch.
- 1.2 The site comprises a number of large industrial buildings and structures (situated largely to the south of the railway line) and extensive areas of hardstanding, open air storage and settlement lagoons all of which are largely situated to the north of the railway line.
- 1.3 The application site lies at the western edge of the site and immediately north of the railway line. In landscape terms the application site can be divided into two distinct halves; the western half is, at present, a predominantly open green space, interspersed with small copses of semi-mature trees set on raised banked areas; the eastern half comprises a large bunded area extending to approximately 1.3ha and accommodating two large storage silos. The existing silos (referred to hereafter as Tank 1 and Tank 2) have diameters of 44m (Tank 1) and 30m (Tank 2) and each measures 15m high. Land surrounding the silos is largely unmanaged and has reverted to a marshy grassland habitat. There is substantial tree growth on the bunding surrounding the existing silos and the two halves of the application site are divided by a belt of semi-mature trees.

- 1.4 The proposal here comprises two elements: increasing the heights of Tanks 1 and 2 from 15m to 19.37m in height, and the construction of a new silo (Tank 3) approximately 99m to the west of the existing two silos. Tank 3 would measure 50m in diameter and stand 28.2m high.
- 1.5 Similar to Tanks 1 and 2, Tank 3 would be a welded steel construction sitting on a reinforced concrete base which, in turn, is supported by a grid of piles. The exterior of the tank would be coloured off-white (RAL 9001).
- 1.6 Tank 3 would sit within a large bunded area extending to approximately 1.8ha. The bund would measure approximately 5m above finished ground levels either side of the bund and would be profiled to enable tree and shrub planting on the outer face. The existing bunding surrounding Tanks 1 and 2 would also be reprofiled and increased in height to match the proposed new bunding around Tank 3 and to meet the Environmental Permitting requirement to provide 110% of the capacity of the enlarged silos.
- 1.7 The proposed works would increase sugar syrup storage capacity at the Cantley site. Sugar syrup is a stage within the sugar beet refinement process. This process involves raw sugar beet arriving at the Cantley site during the sugar beet processing period (the 'campaign', which lasts approximately 155 days per year) where it is processed into sugar syrup. Some of this sugar syrup is then further refined into the final product during the campaign ('dry' sugar of various forms), with the remainder stored as sugar syrup and refined at the factory as market demands dictate throughout the year.
- 1.8 At present sugar syrup is stored within Tanks 1 and 2 which respectively provide 22,310cu.m and 10,600cu.m of storage capacity. Sugar syrup produced in excess of this existing storage capacity and not processed within the campaign is at present removed from the site by road tanker, stored off site and transported back to the site for further refining as market demand dictates. The development proposed in this application (namely increasing the heights of Tanks 1 and 2 and the siting of the new Tank 3) would increase sugar syrup storage capacity to 97,947cu.m or, in more readily understandable terms, from 44,428 tonnes to 132,228 tonnes.

2 Site History

In 2012 it was determined that proposed works to increase the height of two existing storage tanks and for the siting of one new storage tank would not require an Environmental Impact Assessment. (BA/2012/0138/SCREEN).

In 2012 consent was granted for the extension of a Dutch barn used for the storage of Topsoil (BA/2012/0325/FUL).

In 2012 consent was granted for the installation of 2No new evaporators (BA/2012/0354/FUL).

In 2012 consent was granted for the installation of new cooling towers to replace existing fire damaged towers (BA/2012/0161/FUL).

In 2012 consent was granted for an extension of the time limit to implement consent BA/2008/0307/FUL, which permitted the creation of a new raw sugar processing plant (BA/2012/0111/EXT13W).

3 Consultation

Broads Society – No objections.

Cantley Parish Council – Object. Whilst in favour of the sustainability of the factory, councillors objected to the new tank being placed in the landscape area. They objected to the fact that a large part of landscaped area would be lost. Councillors disagree on the grounds that the new tank isn't within the existing developed factory curtilage. The councillors also raised concerns over additional lorry movements this would bring.

Norton Subcourse Parish Council – Approve. The Parish Council has no objections to the plans at Cantley and therefore approves the application.

Langley Parish Council – No response received.

Reedham Parish Council - No response received.

Strumpshaw Parish Council - No response received.

Environment Agency – No response received.

Broadland District Council Planning Team – No response received.

Broadland District Council Environmental Health – No response received.

Water Management Alliance - No response received.

NCC Historic Environment Services – No objection subject to a condition requiring an archaeological scheme of works.

4 Representations

21 letters of objection from residents of Cantley raising concerns regarding impact on amenity and landscape. Three letters of support from residents of Cantley.

5 Policy

5.1 Broads Local Plan (1997) (Saved Policies)

The following policy has not been assessed for consistency with the National Planning Policy Framework (NPPF) and, consequently, only limited weight can be ascribed to the policy. The policy has not been assessed against the NPPF as it is in the process of being replaced by the emerging, but as yet unadopted, Site Specifics DPD.

Policy CAN 1 – Cantley Sugar Beet Factory

Development within the Cantley Sugar Beet Factory site, which is needed to meet the essential operational requirements of the factory, will be permitted provided that:

- (a) proposed development is located, where possible, within groups of existing buildings and is of a design which would minimise its visual impact, particularly when viewed from the river; and
- (b) landscaping, design, scale and materials would be appropriate to their setting in the Broads landscape and waterways; and
- (c) there would be no significant adverse effect on wildlife and wildlife habitats; and
- (d) There would be no significant adverse effect on the residential amenity of adjoining or nearby occupiers.

5.2 Material Considerations Emerging Site Specific Policies DPD (unadopted)

The following emerging policy is not adopted but has been drafted so as to be consistent with the NPPF. Consequently, the emerging policy, though unadopted, is a significant material consideration in the determination of this application.

PP/CAN1

Development on this site which secures and enhances the sugar works' contribution to the economy of the Broads and wider area will be supported where this also –

- (a) protects or enhances wildlife and habitats (including the nearby Ramsar site, SPA and SAC);
- (b) protects or enhances the amenity of nearby residents;
- (c) avoids unacceptable adverse impact on highway capacity or safety;
- (d) improves the appearance of the works particularly in views from the river, through design, materials, landscaping;
- (e) reduces light pollution;
- (f) uses the disposition, bulk and location of buildings and structures to avoid extending the built-up part of the site into the open areas around or more prominent in the skyline; and
- (g) can be demonstrated to be in conformity with national policy on flood risk;

- (h) appropriately manages any risk of water pollution.

Renewed use of the railway or river for freight associated with the plant would be particularly encouraged, as would measures reducing carbon dioxide emissions.

Employment uses other than that associated with the sugar works will be supported only where they do not prejudice the future of that use (and associated waste operations) and also meet the above criteria.

5.3 National Planning Policy Framework

[NPPF](#)

6 Assessment

- 6.1 The Cantley Sugar Factory is a major contributor to the local economy and helps support jobs and agriculture over a wide area. The factory is also a significant emitter of carbon dioxide, a substantial presence in the landscape and a neighbour to the residents of the Broadland village of Cantley. Reflecting the important role the factory plays within the Broads and surrounding area, applications for new development at the site are considered against a site specific policy which draws together the various issues and concerns regarding new development at the Cantley site and seeks to strike a balance between these, sometimes conflicting, concerns.
- 6.2 The existing adopted Policy, CAN1, is contained within the adopted Broads Local Plan (1997). This policy permits new development at the Cantley site subject to satisfaction of criterion relating to visual impacts ('a'), landscape impacts ('b'), ecology ('c') and amenity ('d').
- 6.3 It is the case, however, that the existing adopted site specific policies within the Local Plan are in the process of being replaced with a new Site Specific Policies DPD (SS DPD). The emerging SS DPD includes a new site specific policy for Cantley – PP/CAN1.
- 6.4 The SS DPD has been through two rounds of public consultation and is being prepared for submission to the Planning Inspectorate for a determination of soundness in Summer 2013. Given the advanced stage of the emerging policy, considering the fact that no party has raised a substantive objection to the wording of the emerging policy and having regard to the general conformity between the existing adopted policy and the emerging policy, it is considered that emerging policy PP/CAN1 is the appropriate policy against which to assess this application.
- 6.5 It is the case that emerging Policy PP/CAN1 follows the overall objective of the existing Local Plan policy CAN1 in being supportive of new development at the Cantley site, subject to the satisfaction of certain defined criteria. This reflects the importance of the factory to the local economy and the substantial landscape impacts already associated with the site, but also recognises the need to balance this positive approach to

new development against the amenity of local residents and additional landscape impacts.

- 6.6 In addition to the site specific policies the application must be considered in the context of the NPPF, which is a material consideration in all planning applications. An assessment of this application against the relevant sections of the NPPF is made later in this report, at paragraphs 6.37.
- 6.7 Turning to the criteria within the emerging SS DPD, criterion 'a' requires that development would protect or enhance wildlife or habitats. As expressed in the policy, the principle consideration in terms of ecology is the impact of the proposal on the Broadland Ramsar Site, the Cantley Special Area of Conservation (SAC), the Broads Special Protected Area (SPA) and the Limpenhoe Meadows, Cantley Marshes and Breydon Water SSSIs.
- 6.8 It is the case that this proposal would have no detrimental impact on these designated sites. The proposal would primarily result in the loss of an area classified in habitat terms as 'amenity grassland' which, whilst of some ecological benefit, provides limited scope for use by protected and other native wildlife. The application has been considered by Natural England who have confirmed that the development would be '*unlikely to lead to adverse affects on the interest features*' of these protected sites.
- 6.9 It is the case, however, that consideration must also be given to the ecological impacts within the Cantley site itself. The most significant of these impacts would be the loss of habitat for bats and birds occasioned by the loss of trees within the application site. As part of the application the applicant has submitted a Phase 1 Habitat survey of the site; this identifies the need to mitigate loss of bat and bird habitat through the provision of bat and bird boxes within the proposed areas of new tree planting and, additionally, the erection of further boxes in existing tree belts to the north of the application site.
- 6.10 The measures proposed within the submitted survey are, on the whole, considered to be appropriate and would ensure the proposal would protect wildlife and habitats. It is considered that the proposal would benefit from further tree planting to that proposed, particularly in the south-western corner of the application site where the additional planting would bring both ecological benefits (in terms of increasing habitat at the site) and amenity benefits (discussed below at paragraph 6.23).
- 6.11 Considering the ecological impacts of the proposal, it is also the case that the proposal would create a large area of largely unmanaged grassland within the bunded area surrounding Tank 3; having regards to the ecological value of the marshy grassland surrounding Tanks 1 and 2 (which will be affected by the proposed development, but will regenerate naturally) there is potential for the development to create improved habitat when compared to the existing amenity grassland habitat.

- 6.12 Notwithstanding the above, there is a need for further ecological survey work; this is recognised within the report which suggests additional reptile survey work (which was unable to be carried out at the time of the original survey due to the time of year), a survey for the presence of Great Crested Newts and, additionally, further survey work to establish the extent to which the existing trees are used by roosting bats. The requirement to carry out further survey work has been confirmed by Natural England, who have also advised that where there is the potential for development to impact on a protected species or its habitat survey work should be submitted as part of the application and should not, as a matter of best practice, be secured by planning condition.
- 6.13 It is the case that at the time of submission these additional surveys could not be carried out by the applicant due to the time of year and the hibernation/nesting/activity patterns of the protected species concerned. Since the submission of the application and the passing of several months since the initial surveys were conducted, it is now possible to complete the survey works and the applicant has indicated that additional surveys have been commissioned and will be submitted as soon as is possible.
- 6.14 Having regards to this, the recommendation of this report is for Committee Members to delegate the consideration of the further ecological reports to officers and, subject to the findings being satisfactory, grant planning consent subject to conditions including detailed ecological mitigation proposals informed by the submitted survey work.
- 6.15 Criterion 'b' of emerging Policy PP/CAN1 requires that new development at the Cantley site '*protects or enhances the amenity of nearby residents*'.
- 6.16 The issue of impact on amenity is raised by both Cantley Parish Council and in letters from residents within the village. Concerns regarding amenity centre on two issues: the loss of an area of amenity space (an issue raised specifically by the Parish Council); and the impact of the proposed new tank in terms of over shadowing and loss of light on the properties to the immediate west of the application site.
- 6.17 Considering these matters in turn, with regards to the loss of amenity space it is the case that land within which the proposed new Tank 3 and associated bunding would sit is open grassland and has been used by residents of the village as informal amenity space. Large parts of the Cantley Sugar Factory site are open and unfenced and, whilst remaining private land, it appears as though a degree of use of these areas by residents of the village is tolerated by the factory.
- 6.18 However, it must be noted that these areas, including parts of the application site, are not public amenity space but private land and refusal of a planning application on the basis that it would result in the loss of a public amenity space when, in fact, the land is privately owned and forms part of a large industrial site, is not considered justifiable. Although not a planning consideration, it is also of note that of the 60ha site the applicant has

estimated that approximately 15ha is not access restricted and can therefore be accessed by the residents. This proposal would result in the loss of approximately 2ha of this unrestricted 15ha and there are no plans at present to alter access arrangements to this remaining 13ha.

- 6.19 The second consideration regarding amenity is the impact the proposal would have on the amenity of neighbouring occupiers in terms of overshadowing and overbearing impact. Whilst letters of objection to the proposal have been received from properties across the village, the houses potentially impacted by the proposal are located on Grange Road (approx 225m north of the site) and a cluster of dwellings on the eastern side of Station Road (immediately west of the application site).
- 6.20 Addressing first the impact on the residents on Grange Road, these properties sit approximately 225m north of the proposed new Tank 3 and are separated from the application site by a large internal access road which runs into the Sugar Factory site from Station Road and a green space which incorporates two substantial belts of semi-mature tree planting. Whilst it is accepted that the proposed new tank and the raised existing tanks may be visible from properties along Grange Road, given the distance of these properties from the application site and having regards to the substantial intervening screening is considered that the proposal protects the amenity of these residents.
- 6.21 The properties along Station Road would be substantially closer to the proposed new silo than those on Grange Road; these properties back on to the open space which forms the application site and the western edge of the proposed new silo would sit approximately 146m from the houses themselves.
- 6.22 In order to protect the amenity of these properties it is proposed to create a substantial new area of tree planting along the outer edge and crest of the new bunding on the western edge of the application site and to retain existing semi-mature tree planting which is already present along the western boundary of the Sugar Factory site. In addition, in order to improve the ecological offer at the Cantley site and to further enhance the screening between the Sugar Factory site and the neighbouring residential properties it is proposed that additional tree planting is required from the applicant. At time of writing the Authority has requested revised drawings incorporating additional planting and the applicant has indicated that they are amenable to revisions and are in the process of preparing revised drawings.
- 6.23 It is the case that, even with this proposed planting, the screening provided by the proposed new bunding and the additional screening planting requested by the Authority, the proposed new tank will be visible from the properties along Station Road, particularly when the planting along the top of the proposed bunding is immature.
- 6.24 However, given that the proposed new tank would be approximately 146m from the properties and having regards to the fact that the houses already

sit approximately 225m from a set of much higher silos (approximately 75m high, situated to the south-west of the properties), it is not considered that the proposed new Tank 3 and associated bunding would have any unacceptable impact on the amenity of the neighbouring residential properties in respect of overshadowing or overbearing impact. It is further considered that the proposed new planting and siting the proposed new Tank 3 as far east (and therefore as far from the neighbouring properties) as is practicably possible (given the practical limitations of the site and the requirement to maintain a 110% bund around the existing silos at all times) serve to protect the amenity of the nearby residents.

- 6.25 Having regards to the above, it is considered that the proposal satisfied criterion 'b' of emerging policy PP/CAN1.
- 6.26 Criterion 'c' of PP/CAN1 requires that new development at the Cantley site '*avoids unacceptable adverse impacts on highway capacity or safety*'. In this instance the applicant has indicated that the proposal would result in a reduction of traffic to and from the Sugar Factory site: At present partly refined sugar is transported off site for storage and then returned to the site for the final stage of processing. The applicant has indicated that the ability to store more partially refined sugar within the Cantley site will reduce the need for these lorry movements, with associated benefits for highways safety and capacity. This assertion is accepted by the Authority and, accordingly, it is considered that the proposal satisfies criterion 'c' of emerging policy PP/CAN1. It is proposed that traffic movements associated with construction will be dealt with by condition and the requirement to provide a construction traffic management plan.
- 6.27 Criterion 'd' of Policy PP/CAN1 states that new development at the site should '*improve the appearance of the works, particularly in views from the river*'. This is a difficult test to satisfy on a large industrial site where, necessarily, new development is likely to be utilitarian and industrial in design and appearance.
- 6.28 In this instance it is very difficult to conclude that the development would improve the appearance of the site. However, having regards to the additional planting proposed, the extra planting requested by the Authority and the fact that, as far as is practicable, the proposed new development uses the bulk and mass of existing building and structures to obscure views of the proposed development, particularly when viewed from the river (discussed further at paragraph 6.29), it is considered that the overall impact of the proposed development on the appearance of this large industrial site is neutral. In arriving at this conclusion regard must also be had to the generally positive approach both existing policy CAN1 and the emerging Policy PP/CAN1 adopt towards new development at the Cantley site and, additionally, the presumption in favour of sustainable development within the NPPF (discussed further at paragraph 6.39).
- 6.29 Criterion 'e' requires that new development reduces light pollution. Details of external lighting associated with the proposed development have not

been submitted as part of this application however it is proposed that, should consent be granted, a condition requiring a comprehensive review of external lighting both existing and proposed, across the site is submitted and approved by the Broads Authority.

- 6.30 Such a condition will ensure that any new lighting required by the proposed development will be essential and 'dark skies friendly' and, additionally, opportunities for remedying existing superfluous or particularly polluting external lights will be identified and improvements effected.
- 6.31 Criterion 'f' requires that new development '*Uses the disposition, bulk and location of buildings and structures to avoid extending the built-up part of the site into the open areas around or more prominent in the skyline*'. '
- 6.32 In this instance the proposed increase in height of the existing tanks would be well screened when viewed from the south by the existing buildings and structures at the site. Viewed from the north the tanks would be seen against the backdrop of the much high silos and other factory buildings which lie to the south of the application site.
- 6.33 The proposed new Tank 3 would be more visible in the landscape and, whilst it would sit partially behind the existing (higher) silos to the south, it would be extend the built form into an area of the site which is currently undeveloped.
- 6.34 In requiring that new development at the site takes advantage of the screening afforded by existing buildings and structures emerging Policy PP/CAN1 is concerned with limiting landscape harm and, specifically, the amenity of users of the Broads. It is the case that in visually extending the mass of the factory complex to the west the proposed development would have a significant impact on the visual amenity of users of the Broads, however it must also be recognised that the existing factory site has significant landscape impacts which compromise a number of the landscape criteria that contribute to the special character of the Broads. In the context of this existing large industrial site it is considered that the introduction of an additional large silo would have a neutral impact on the special character of the Broads landscape. Consequently, it is considered that the proposal satisfies the requirements of criterion 'f'.
- 6.35 The final two criteria of emerging policy PP/CAN1 relate to the impact of the development on flood risk; being concerned with compliance with national planning policy on flood risk (criterion 'g') and the management of water pollution from the site ('h').
- 6.36 Data from the Environment Agency Flood Zone maps indicate that the majority of the application site lies within Flood Zones 1 and 2. National guidance in development within the Flood Zone indicates that industrial development within these zones is an acceptable form of development in terms of food risk. The Flood Zone maps also indicate a small part of the southern edge of the site lies within Flood Zone 3 – land considered to be

at high risk of flooding. However as part of a detailed modelling of the site and flood events in this area associated with a previous application at this site, the applicant has demonstrated that the application site lies entirely within Flood Zones 1 and 2.

- 6.37 Regrettably, at the time of writing of the report the Environment Agency had not submitted comments on this application and these will be reported verbally to Planning Committee. However, the modelling work carried out on the Cantley site has previously been accepted by the Environment Agency as accurate and, in the absence of any new information to the contrary, it is considered that it remains accurate. Consequently, the proposed development is in accordance with national planning guidance regarding development and flood risk.
- 6.38 With regards to the management of water pollution from the site (criterion 'h'), regard must be had to the Environmental Permitting process under which the Cantley site operates and government guidance contained in both Circular 11/95 and the NPPF that planning should not seek to duplicate the effect of other controls. In this instance the applicant has confirmed that the land within the bunded area will be finished in an impermeable barrier to prevent any ground water pollution and provided a copy of the comprehensive surface water management plan required under the Environmental Permitting process. Having regards to the above, the application is considered to accord with criteria 'g' and 'h' of emerging policy PP/CAN1.
- 6.39 Having assessed the application against emerging policy regard must also be had to the impact of the NPPF on the application. In general terms the NPPF is unequivocal in creating a presumption in favour of sustainable development (paragraph 14) and reminding local planning authorities to place '*significant weight.. on the need to support economic growth through the planning system*' (paragraph 19).
- 6.40 Notwithstanding the above, it is also the case that the NPPF recognises the importance of the Broads (and National Parks) and advises that application for 'major' developments within the Broads should be refused except in '*exceptional circumstances and where it can be demonstrated that they are in the public interest*' (paragraph 116).
- 6.41 The development proposed in this application does fall within the statutory definition of 'major development' however it is considered that the circumstances of the application are 'exceptional' in the context of the Broads and that the proposal represents the type of development which the NPPF indicates should be approved.
- 6.42 Specifically, and with reference to the guidance accompanying paragraph 116, there is a clear need for the development to improve operating procedures at the Cantley site, which is a historic and well established large industrial site located in the Broads; the cost of locating the development elsewhere would be prohibitive and would prevent a reduction in the

number of lorry movements from the site occasioned by the proposed development; and, as is detailed above, the impact of the proposal on the ecology and the special landscape characteristics of the Broads would, in the context of the existing industrial site, be limited.

- 6.43 In addition, paragraph 116 requires that local planning authorities have regard to the impact of permitting or refusing the development on the local economy. It is the case that the Cantley site employs around 300 people directly and is estimated to provide ongoing employment for up to 3000 workers who support the Cantley supply chain. Whilst it is not suggested that the refusal of this application would result in the loss of any jobs, the significant investment in the Cantley site proposed in this application would help to secure the longer term future of the operation and, in accordance with the NPPF, is a significant material consideration in the determination of this application.
- 6.44 Having regards to the economic significance of the site to the Broads and the wider area, the limited harm the development would have on the special characteristics and ecology of the Broads and considering the general (but strong) support expressed within the NPPF for sustainable economic development, it is concluded that refusal of this application would be contrary to guidance within the NPPF.

7 Conclusion

- 7.1 This application seeks consent for the erection of a new silo at the Cantley Sugar Factory and for the increasing in height of two existing silos.
- 7.2 The proposed new silo is substantial and due to its size and positioning would have a significant impact on the landscape. In addition the proposal would impact on the outlook from a number of residential properties, particularly on those dwellings along Station Road.
- 7.3 However, the landscape impacts of the proposal must be viewed in the context of the wider Cantley site, a substantial industrial site which includes a number of silos and buildings similar in scale or even larger (in terms of height) than the new silo proposed in this application. In this context, the proposal is not considered to have any significant impact on the special landscape characteristics of the Broads. And whilst it is acknowledged that the proposal will result in landscape changes to the locality in which the dwelling sit, it is not considered that the proposal would have any unacceptable impact in terms of overbearing impact or overshadowing.
- 7.4 In light of these factors it is considered that the proposal satisfies the requirements of emerging policy PP/CAN1 and, in addition, is in accordance with guidance within the NPPD which is a material consideration in this application.

8 Recommendation

8.1 Committee Members to delegate the consideration of the further ecological reports to officers in consultation with Natural England and, subject to the findings being satisfactory, grant planning consent subject to the following conditions:

- (i) Time limit
- (ii) In accordance with approved plans
- (iii) Planting in accordance with the approved planting scheme carried out in next available planting season
- (iv) Trees on site to be retained and protected throughout works
- (v) Replace any plant which dies within 5 years
- (vi) Scheme of phasing to ensure landscaping is planted at the earliest possible stage in the works
- (vii) Prior to commencement details of protected species enhancements submitted
- (viii) Prior to commencement Giant Hogweed Management plan for the site to be submitted
- (ix) Submission of review of external site lighting and implementation of lighting scheme for site including new development
- (x) Prior to commencement of development submission of a construction traffic management plan
- (xi) Wheel cleaning details required for construction traffic
- (xii) Archaeological conditions
- (xiii) No construction works to take place between hours of 19.00 and 08.00

9 Reasons for Approval

9.1 The proposed development is in accordance with criteria 'a' – 'h' of emerging policy PP/CAN1 and with guidance within the NPPF. There are not considered to be any material considerations which would justify the refusal of this application.

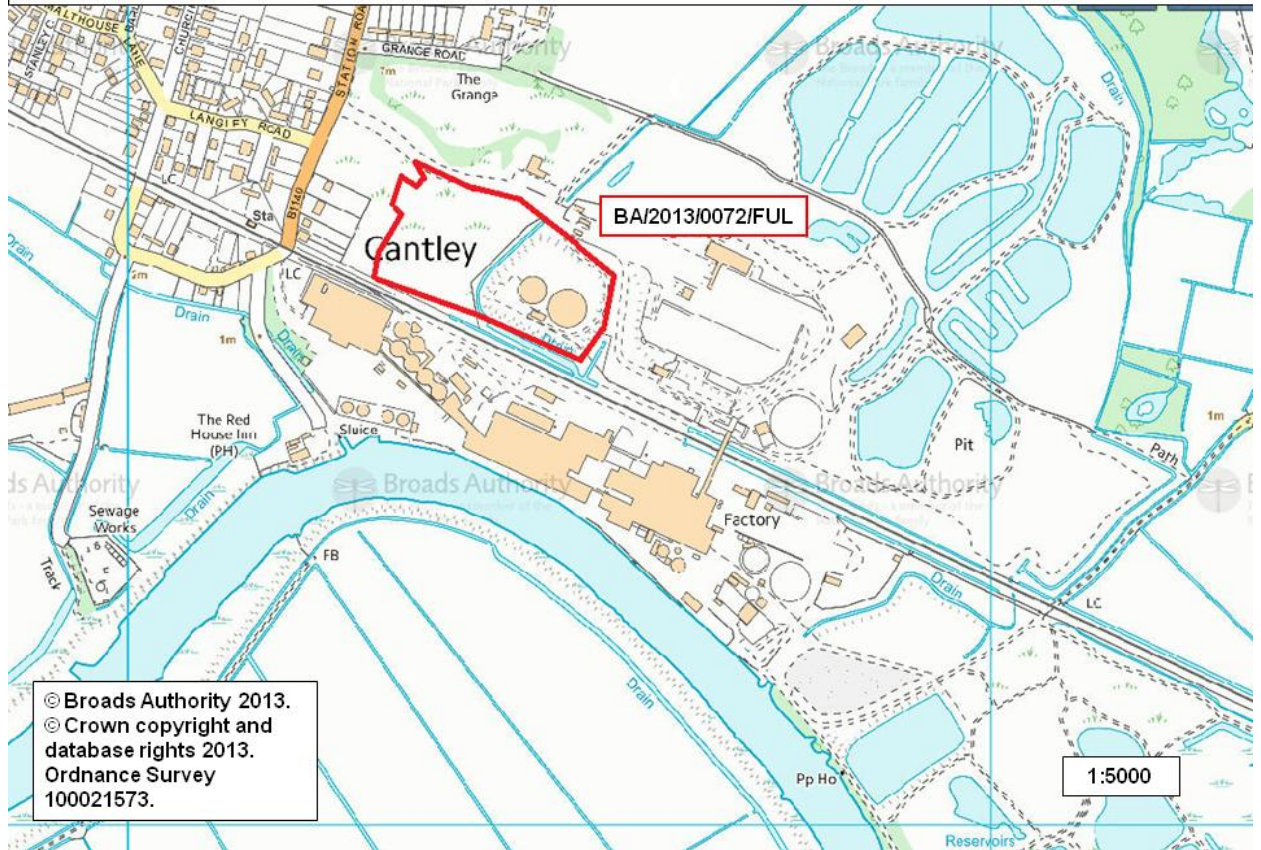
Background Papers: BA/2013/0072/FUL

Author: Fergus Bootman
Date of report: 10 April 2013

Appendices: APPENDIX 1 – Location Plan

APPENDIX 1

BA/2013/0072/FUL - Cantley Sugar Factory, Station Road, Cantley
Proposed extension in height of two existing sugar syrup storage tanks along with an additional storage tank and associated landscaping



PLANNING COMMITTEE

21 June 2013

Note of site visit held on Friday 7 June 2013

BA/2013/0072/FUL British Sugar Factory, Station Road, Cantley

Proposed extension in height of two existing sugar syrup storage tanks along with an additional storage tank and associated landscaping.

Applicant: Mr Mark Tolley, British Sugar Ltd.

Present:

Miss S Blane	Dr J S Johnson
Ms J Brociek-Coulton	Mr R Stevens
Prof J Burgess	Mr P Warner
Mrs L Hempsall	

Mr P Key - Cantley Parish Council
Ms N Knight - Cantley Parish Council
Ms D Machin – Cantley Parish Council

In attendance:

Ms C Smith – Head of Development Management
Ms N Beale – Planning Policy Officer
Mr F Bootman – Planning Officer
Mrs S A Beckett – Administrative Officer

Mr S Lynn – Manager, British Sugar, Cantley Factory
Mr I Redhead – Environmental Strategy Manager, Cantley
Mr J Crosby, Mr P Burrows and other officers from Cantley
Sugar Factory

Apologies for absence were received from: Mr M Barnard, Mr C Gould, Dr J M Gray, Mr P E Ollier and Mr A Proctor Local District Member.

Members met by the old British Sugar Social Club on the factory site halfway down the beet intake road before being shown the site of the proposals.

In the absence of the Chairman of the Committee, The Head of Development Management requested nominations for the appointment of a Chairman for the site visit. Prof Burgess proposed, seconded by Mrs Hempsall, the nomination of Dr Johnson. This was unanimously agreed by Members.

Dr J S Johnson in the Chair

Introduction

The Chairman welcomed everyone to the site inspection emphasising its fact-finding nature. The Committee had come to view the site to understand what

was proposed, to examine the potential impact of the proposals on the surroundings and on the amenity of local residents as well as understand the concerns that had been expressed. The aim was to be as fair as possible and for both the applicant and third parties to point out any facts they considered to be relevant.

No decision would be made at this visit but the matter would be considered in detail at the next scheduled meeting of the Planning Committee on 21 June 2013.

All present were able to convene in the former Social Club building to view the plans and orientate themselves before walking round the site. Everyone introduced themselves. It was noted that as the area was part of an industrial site, all should keep together for health and safety reasons and staff from British Sugar were on hand to provide assistance.

The Proposal

The Planning Officer provided an explanation of the plans including the existing layout of the site and the proposed layout. The application included:

- the extension in height of two existing sugar syrup storage tanks from 15metres to 19metres;
- the construction of a new silo tank measuring 50 metres in diameter and 28.2 metres high to the west of the existing sugar syrup tanks; and
- associated new access road and bund and landscaping scheme.

The Planning Officer also explained the plan illustrating cross sections of the proposals on the application site and the distances between proposed silos, bunds and the houses, as well as the plans of the proposed landscaping scheme. It was noted that a substantial number of trees would be lost but there would be new areas of planting. It was explained that the bunds around the silos served two purposes. They were designed to meet the Environmental Permitting requirement licensed by the Environment Agency to provide containment of 110% of the content capacity of the tanks. The existing bunding surrounding the two tanks to be extended in height would therefore need to be re-profiled and increased in height to match the proposed new bunding around the new tank. The bunds also helped to provide screening. The Landscaping Scheme would also include phasing which would be frontloaded and this would be included in any conditions should the application be approved. It would then be for the Authority to monitor and enforce these. The Planning Officer also showed the group the Photomontages provided by the applicant of the proposals including the landscaping, after one year from construction and following maturity. These were depicting the view from opposite the lorry entrance to the site.

The Head of Development Management explained that if the Parish Council did not consider that planting had been carried out in accordance with the plans, they should notify the Broads Authority and officers would carry out the necessary checks.

The Site

The Group walked around the site stopping at the following vantage points:

- The Beet Pad –where approximately 10,000 tons a day of sugar beet was deposited on arrival at the factory during the beet harvesting season (September – February). As the highest point on the site, this afforded the opportunity to view the extent of the whole Cantley Factory site, including the location of the coal lay down area, settling ponds and lime storage points, the soil sorting area, the 75 metre high chimneys, the railway line and the river. It was noted that the height of the tallest silo on the site was 53 metres in order to compare this to the proposed 28 metre silo.

A member of the Parish Council explained that there had been concerns about the positioning of the proposed new silo with split views being expressed. The Parish Council had queried whether alternative sites could be chosen. The Factory Manager explained that eight locations had been considered, four of which were pointed out to those present. The applicant would be able to provide further details and this was an issue which could be considered at the Committee meeting on 21 June 2013.

- The slope down from the Beet Pad – where it was possible to view the two existing tanks and the existing bunds. Members noted the colour of the existing tanks and queried what the colour of the proposed tanks would be.
- The top of the bank and existing bund looking down onto the proposed site of the new tank. - Half of the perimeter together with the centre of the proposed silo was pegged out and pointed out to those present. It was noted that the new access road would be sited on top of the bank on which people were standing. The plans of the proposed landscaping scheme were viewed on site with the trees to be removed being pointed out. It was explained that the trees needed to be removed to facilitate the creation of the new bund to the required 110% containment capacity for the new silo.

A Parish Council representative queried whether the bunds could be higher yet narrower in footprint so as the trees on the mound in the south west corner of the site could be retained. This would require clarification and was another issue to be considered at the Planning Committee meeting.

It was also considered that it would be helpful at the Committee meeting to clarify which trees would be required to be removed.

- Walk through the site of the proposed silo and from the site of the new bund (the present bund being raised) round to view the back of the

houses fronting Station Road. It was noted that the present bund was 7metres above ordnance datum (AOD) and the proposed bund would be 8 meters AOD. It was also noted that there would be a gap in the planting, the idea being so as not to create a completely enclosed overbearing impact on local residents.

(It was noted that although the area had been used by local residents it was private land.)

- Views from Station Road – Those present were provided with the opportunity of viewing the site from the garden of a property on Station Road in the process of being built. It was noted that the distance from the house to the foot of the silo would be 146 metres and the distance from the house to the crest of the bund would be 76metres. It was noted that all the trees in the immediate foreground from that vantage point would be retained as these were outside the British Sugar Factor site.

Members were requested to bear in mind the impact of development on amenity which should take into account overlooking, overshadowing and visual amenity and in considering the standard of amenity this was to protect or enhance in order to accord with policy.

- Views from Grange Road – It was noted that the application proposed no development on the land immediately south of Grange Road, which would remain as it was now with the exception of a modest amount of additional tree planting on land adjacent to the 'Beet Access Road' , at the entrance to the site. The distance from the houses to the proposed silo was 225metres with the distance from the houses to the proposed crest of the bund, 175metres.
- Views of the site from the Railway crossing.

Summary of Issues

As a result of comments made at the site visit, the following issues were to be addressed at the Committee meeting on 21 June 2013:

- (i) Explanation of the alternative sites considered by British Sugar and explanation of the choice of site of the proposed silo, the subject of the application.
- (ii) Detailed explanation of the proposed landscaping scheme – identification of trees to be removed and those to be retained.
- (iii) Clarification on the design of the bunds and possibility of changing profile in order to retain some trees.

- (iv) Consideration of specimens of trees to include evergreen as well as deciduous within the landscaping scheme bearing in mind the timing of the site visit when trees were in full leaf.

Conclusion

The Chairman thanked everyone for attending the site inspection. The application would be considered by the Planning Committee at its next meeting on 21 June 2013 and members of the public were welcome to attend.

The meeting concluded at 11.30 am